

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

GUARDIAN PROTECTION PRODUCTS,
INC.,

Plaintiff,

v.

G.P.P., INC. d/b/a GUARDIAN
INNOVATIVE SOLUTIONS,

Defendant.

Case No. 1:20-cv-01680-SKO

**ORDER DENYING WITHOUT
PREJUDICE STIPULATED
PROTECTIVE ORDER**

(Doc. 35)

I. INTRODUCTION

On August 18, 2021, the parties filed a second request seeking Court approval of their stipulated protective order. (Doc. 35.) The Court has reviewed the proposed stipulated protective order and has determined that, in its current form, it cannot be granted. For the reasons set forth below, the Court DENIES *without prejudice* the parties' request to approve the stipulated protective order.

II. DISCUSSION

A. The Protective Order Does Not Comply with Local Rule 141.1(c)

The proposed protective order does not comply with Rule 141.1 of the Local Rules of the United States District Court, Eastern District of California. Pursuant to Rule 141.1(c), any proposed protective order submitted by the parties must contain the following provisions:

- (1) A description of the types of information eligible for protection under the order, with the description provided in general terms sufficient to reveal the nature of the information (e.g., customer list, formula for soda, diary of a troubled child);
- (2) A showing of particularized need for protection as to each category of information proposed to be covered by the order; and

(3) A showing as to why the need for protection should be addressed by a court order, as opposed to a private agreement between or among the parties.

Local Rule 141.1(c).

The proposed protective order seeks to cover “highly proprietary and sensitive business information, the disclosure of which poses a substantial risk of harm to the parties’ proprietary and financial interests, *including but not limited to the following*: (i) financial records pertaining to the profit, loss, sales, assets, debts, and other confidential information related to the performance of the parties; (ii) the operation and functioning of the parties’ manufacturing and distribution systems . . . ; (iii) trade secret and business strategy information pertaining to the parties’ product lines and marketing efforts . . . ; (iv) sensitive data regarding customers, potential customers, sales, and third-party business partners . . . ; and (v) other proprietary technical or commercially sensitive information” (Doc. 35 at 1–2, emphasis added.)

With its inclusion of the phrase “but not limited to the following,” the proposed protective order fails to comply with Local Rule 141.1(c)(1), which requires “[a] description of the types of information eligible for protection under the order, with the description provided in general terms sufficient to reveal the nature of the information.” Without any additional qualification to the phrase “but not limited to the following” or the removal thereof, the proposed protective order does not sufficiently identify the types of information eligible for protection.

B. The Parties’ Stipulated Protective Order is Denied Without Prejudice

The parties may re-file a revised proposed stipulated protective order that complies with Local Rule 141.1(c) and corrects the deficiency set forth in this order.

III. CONCLUSION AND ORDER

Based on the foregoing, IT IS HEREBY ORDERED that the parties’ request for approval of the stipulated protective order (Doc. 35) is DENIED without prejudice to renewing the request.

IT IS SO ORDERED.

Dated: August 19, 2021

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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